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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,626	06/10/2005	Alexander Cornelis Geerlings	NL 021285	8943

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EXAMINER	
AHMED, HAMDY S	
ART UNIT	**PAPER NUMBER**
2188	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,626	GEERLINGS ET AL.	
	Examiner	Art Unit	
	Hamdy S. Ahmed	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/10/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemanski et al. (US No: 6,067,362).

AS to claim1 Lemanski discloses a method of operating a storage device sensitive to vibrations in an environment with a source of vibrations (see column 1, lines 21-23), characterized in that the method comprises the following steps: (a) monitoring the performance of the storage device (see column 1, lines 8-19), and (b) when the performance of the storage device decreases below a pre-determined level (having a frequency in narrow range see column 1, lines 25-28) taking action to reduce the influence of vibrations generated by the source of vibrations (see column 1, lines 29-34).

As to claim 2, Lemanski discloses wherein the performance of the storage device is indicated by service time statistics of the storage device (when the amplitude of the frequency at different point in the gain reducer, see column1 lines 45-48).

As to claim 3, Lemanski discloses wherein the performance of the storage device is indicated by the average bit-rate of the storage device (see, column 2, lines 57 – 64).

As to claim 4, Lemanski discloses wherein the action comprises the step of providing a message to a user to reduce the vibrations (see column 2, lines restored the output signal 60 at gain reducer output terminal, 63-64).

As to claims 5, Lemanski discloses wherein the source of vibrations is at least one loudspeaker, and the loudspeaker and the storage device comprised in the same housing (see figure 1, element14, which in the same device).

As to claim 6, Lemanski discloses wherein the source of vibrations is a loudspeaker and the action is reduction of the volume of the sound produced by the loudspeaker (see figure 2 element 14, and element 32).

As to claim 7, Lemanski discloses wherein when the performance decreases below the pre-determined level and the environmental temperature of the storage device is above a further pre-determined level, no action is taken (see column 2, lines 60-64).

As to claim 8 discloses wherein (a) the housing is a consumer electronics apparatus (see column figure 3); (b) the storage device is arranged to record an incoming stream of audio-visual data (see column 1, lines 15-16); (c) the consumer electronics apparatus is arranged to reproduce the incoming stream of audio-visual data by means of a screen and the loudspeaker (see column 2, lines 1-19); and wherein the method comprises the steps of: (d) storing the incoming stream of audio-visual data on a disk by the storage device; and (e) reproducing the stored stream of audio-visual data stored on the disk by means of a screen and loudspeaker (see column 2, lines 1 –20).

As to claim 9, Lemanski discloses wherein the action to reduce the influence of vibrations generated by the source of vibrations comprises the step of advising a user to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data (see column 2 lines 1-35).

As to claim 10 wherein (a) the housing is a consumer electronics apparatus arranged to reproduce audio-visual data (see figure 1); (b) at least one further loudspeaker(figure 1, element 14), not comprised by the consumer electronics apparatus, is connected to the consumer electronics apparatus (see figure 2); and (c) the action comprises the steps of: halting reproduction of the audio-visual data through the loudspeaker comprised by the consumer electronics apparatus; and starting reproduction of the audio-visual data through the further loudspeaker (see column 1, lines 21-35).

As to claim 12, Lemanski discloses wherein a further lower pre-determined level replaces the pre-determined level when the performance of the storage device is below the predetermined level during a pre-determined period (see column 3, lines 24-35).

As to claim 13, Lemanski discloses, wherein the vibrations are vibrations in a structure comprising the storage device (see column 1, lines 8-15).

As to claim 14 Lemanski discloses, wherein the vibrations are airborne vibrations (see column 3, lines 30-35).

As to claim 15, Lemanski discloses wherein the storage device is a disk drive (see column 2, lines 1-4).

As to claim 16 Lemanski discloses, wherein the action is halting activities related to the storage device other than storage and retrieval of audio-visual data (see column 2, lines 50-69).

As to claim 17, Lemanski discloses Circuit for operating a storage device in an environment with a source of vibrations, the circuit comprising a processor (inherently include a processor, since the system include hard drive and disk drive), characterized in that the processor is conceived to: (a) monitor the performance of the storage device (see column 2, lines 2-3); and (b) when the performance of the storage device decreases below a predetermined level, take action to reduce the influence of vibrations generated by the source of vibrations(see column 1 line 21-28).

As to claim 18, Lemanski discloses Consumer electronics apparatus comprising: (a) means for receiving a stream of audio-visual data (see figure 3); (b) a storage device arranged to store the stream of audio-visual data on a disk (see column 2 lines 1-5); (c) a source of vibrations; (d) circuit for controlling the storage device (see figure 2 elements 30,32,34,14).

As to claim 19, wherein the source of vibrations is a disk drive arranged to spin a disk in operation (see column 2, lines 1-15).

As to claim 20, wherein the source of vibrations is a loudspeaker (see figures 1- element 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemanski et al. (US No: 6,067,362) in view of Bamford et al. (US No: 7,120,651 B2)

As to claim 11, Lemanski reference teaches all the limitation of claim 1 as the above, but Lemanski reference does not teach, the use of network link. The Bamford reference teaches the use network link (see column 11line 27). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified the Lemanski system by using the Bamford system reference by using a network link, to obtain communications between one device or more.

The prior art of record

The prior art (US NO: 3,979,739) teaches apparatus for the detection of vibration in rotating machinery.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hamdy S. Ahmed whose telephone number is 571-270-1027. The examiner can normally be reached on M-TR 7:30-5:00pm and Every 2nd Friday 7:30-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-4199. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HA
Hamdy Ahmed
5/10/07

HYUNG S DOUGH
SUPERVISORY PATENT EXAMINER
5-14-07